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Compilation on the United Arab Emirates

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. Several treaty bodies and special procedures mandate holders recommended the ratification of the International Covenant on Civil and Political Rights and the Optional Protocols thereto, the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol thereto, the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, the Optional Protocols to the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the 1961 Convention on the Reduction of Statelessness, the 1954 Convention relating to the Status of Stateless Persons and International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[3]

3. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that the United Arab Emirates ratify its Convention against Discrimination in Education.[4]

4. The Committee on the Elimination of Discrimination against Women was concerned that some of the reservations to articles 2 (f), 9, 15 (2), 16 and 29 (1) of the Convention on the Elimination of All Forms of Discrimination against Women had been withdrawn and that no time frame had been set for such withdrawal.[5]

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III. National human rights framework[6]

5. The Committee on the Elimination of Discrimination against Women was concerned that, despite its commitments made during the first cycle of the universal periodic review, the United Arab Emirates had still not established a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[7] Several treaty bodies and the Special Rapporteur on the independence of judges and lawyers recommended that the United Arab Emirates establish a national human rights institution in accordance with the Paris Principles.[8]

6. The Committee on the Elimination of Discrimination against Women reiterated its concern over the lack of information on the legal framework defining the mandate of the General Women's Union as the national machinery for the advancement of women. It was also concerned that the practical implementation of the national strategy for the empowerment and advancement of Emirati women remained unclear.[9]

7. The Committee on the Rights of the Child recommended that the Supreme Council for Motherhood be provided with a clear mandate and the resources necessary to ensure effective implementation of the Convention on the Rights of the Child.[10]

8. Several treaty bodies noted a lack of dialogue and cooperation with civil society in the area of human rights.[11]

9. UNESCO recommended that the United Arab Emirates strengthen efforts to promote education and training on human rights.[12]

10. Since 2012, the United Arab Emirates had contributed annually to the Office of the United Nations High Commissioner for Human Rights (OHCHR), including to the Voluntary Fund for the Victims of Torture and the Voluntary Trust Fund on Contemporary Forms of Slavery.[13]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[14]

11. The Committee on the Elimination of Racial Discrimination was concerned that article 25 of the Constitution did not include all the grounds of discrimination specified in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, including colour, descent and ethnic origin. It was further concerned that the article stipulated that the prohibition of discrimination applied to "citizens of the Union", and therefore might not apply equally to non-citizens.[15]

12. The same Committee was concerned that the definition of discrimination in Federal Law No. 2 (2015) on combating discrimination and hatred, which criminalized blasphemy, defamation of religions, discrimination and hate speech, was not fully in line with article 1 of the Convention, as discrimination on the grounds of descent and national origin were not provided for. The Committee was also concerned that the prescribed punishments were not proportional to the crimes.[16]

13. The Committee recommended that any legislation on hate speech fulfil the requirements of article 4 of the Convention, which required States parties to prohibit dissemination of ideas based on racial superiority and hatred, incitement to racial hatred, acts of violence against any race or groups of persons of another colour or ethnic origin, and incitement to such acts; and that criminal sanctions be governed by principles of legality, proportionality and necessity.[17]

2. Human rights and counter-terrorism[15]

14. OHCHR noted that the 2014 counter-terrorism law provided for the death penalty for individuals whose activities were found to "undermine national unity or social peace", neither of which were defined in the law.[17] OHCHR stated that the law was also applicable to children over the age of 16 years, in contradiction with the international obligations of the United Arab Emirates under the Convention on the Rights of the Child.[18] The Committee on the Rights of the Child expressed similar concern.[19]

B. Civil and political rights

1. Right to life, liberty and security of person[20]

15. In 2016, the United Arab Emirates abstained from voting on General Assembly resolution 71/187 on a moratorium on the use of the death penalty.[21] Executions had reportedly been carried out in the United Arab Emirates during the period from December 2014 to July 2016.[24]

16. The Special Rapporteur on independence of judges and lawyers noted with concern that the limited guarantees provided against arbitrary arrest and detention in the Code of Criminal Procedure did not apply to persons arrested on State security or terrorism-related charges.[25] She had received reports that people had been arrested without a warrant, and noted that such cases very often concerned people who were later accused of State security crimes. Most of them had been taken to secret detention facilities and kept incommunicado, which could sometimes amount to enforced disappearances.[26] She had also received credible information and evidence that many of those individuals had been subjected to torture or other forms of ill-treatment.[27]

17. The Special Rapporteur regretted that the Code of Criminal Procedure did not provide a maximum limit for pretrial detention.[28] OHCHR noted irregularities with respect to pretrial detention, including, in some cases, denial of communication with detainees' families.[29]

18. In February 2016, a group of special procedure mandate holders urged the United Arab Emirates to immediately and unconditionally release several foreign nationals who had been arbitrarily detained for one and a half years. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment noted credible information indicating that the detainees had been tortured and forced to sign confessions; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health indicated that most of them suffered from serious health conditions, due to torture and the lack of access to adequate medical care; and the Special Rapporteur on independence of judges and lawyers underlined that the detainees had not been able to challenge the lawfulness of their detention before a court. Some of them had been charged under a law that had not yet entered into force at the time of their arrest.[30] The arbitrary nature of their detention had also been confirmed by the Working Group on Arbitrary Detention in its decision.[31]

2. Administration of justice, including impunity, and the rule of law[32]

19. The Special Rapporteur on independence of judges and lawyers was seriously concerned about reports and allegations of pressure exerted on judges by members of the executive, prosecutors and other State agents, in particular members of the State security apparatus and that the judicial system remained under the de facto control of the executive branch.[33] She was also concerned that the mechanism for appointing judges lacked transparency and might expose them to undue political pressure.[34] She recommended that the principle of the separation of powers be enshrined in the Constitution and concrete measures taken to strengthen the independence of the judiciary.[35]

20. The Special Rapporteur was seriously concerned about reports indicating that the prosecution services were often influenced by members of the executive.[36] She recommended that the autonomy of the public prosecution be ensured vis-à-vis the Ministry of Justice and that prosecutors be able to perform their functional activities in an independent, objective and impartial manner.[37]

21. The Special Rapporteur also recommended that the independence of lawyers be respected and ensured by the authorities and that immediate measures be taken to put an end to all forms of harassment, pressure and threats exerted on lawyers.[9]

22. The Special Rapporteur stated that the federal system was complex and could be difficult to understand, in particular for non-nationals, and there appeared to be a lack of consistency in the application of federal laws across the different Emirates.[10] She recommended that specific steps be taken to remedy discrepancies between the Emirates regarding the independence and impartiality of the judiciary and the transparency and efficiency of the administration of justice.[11]

23. The Special Rapporteur was concerned about access to justice for vulnerable members of the population, such as migrant workers, domestic workers and stateless persons (bidoon). They faced serious obstacles in accessing the justice system and it was often impossible for vulnerable persons to seek remedies for abuses they had suffered.[12]

24. The Special Rapporteur was extremely concerned at the serious allegations of violations of due process and fair trial guarantees made, especially with regard to State security-related offences.[13] She was also concerned about the apparent lack of transparency during both the investigation phase and court proceedings, particularly with regard to criminal cases heard before the State security chamber of the Federal Supreme Court.[14] In many of those cases, hearings were held in closed sessions or with limited public access.[15]

25. The Special Rapporteur noted that so-called State security crimes fell under the exclusive jurisdiction of the Federal Supreme Court and were considered in first and last instance by the State security chamber of the Court, with no possibility of review by a higher tribunal.[16]

26. The Special Rapporteur was extremely concerned at reports that an accused person's access to a lawyer could be restricted by the police or the prosecution during the investigative phase. She was particularly alarmed at reports that individuals accused of committing crimes that jeopardized State security had extremely limited access to legal counsel.[17]

27. The Special Rapporteur was also concerned at reports that translations and interpretation in court cases involving non-Arabic speakers, while required by law, were not always provided in practice, or that their quality was poor.[17] Referring to the trial of a domestic worker in May 2015, a group of special procedure mandate holders stated that discriminatory treatment by criminal courts, in particular of migrant women who were not provided with interpretation services and quality legal aid, led to disproportionately severe sentences and seemed to be a persistent problem in the United Arab Emirates.[18]

28. Concerning non-national judges, the Special Rapporteur recommended that a transparent and clear strategy be adopted to progressively reduce their number and that, in the longer term, the goal be to fully nationalize membership of the judiciary.[19]

3. Fundamental freedoms[20]

29. OHCHR indicated that the authorities had not taken effective measures to repeal the 1980 law on publications and amend other relevant legislation to ensure it was aligned with international human rights law on freedom of expression.[21]

30. OHCHR noted numerous criticisms of the criminal defamation provisions in the Penal Code, the 2012 cybercrime law and the 2014 anti-terrorism law as they provided for trials that fell short of international human rights standards.[22] UNESCO noted that defamation was a criminal offence under the Penal Code and carried a maximum prison term of up to two years. It recommended that the United Arab Emirates decriminalize defamation and place it within a civil code.[23]

31. OHCHR stated that, under the pretext of national security, many activists had been prosecuted for allegations mainly related to a person's right to express his or her opinion and criticism of any public policy or institution.[24] A group of special procedure mandate holders urged the United Arab Emirates to end the harassment and intimidation of human rights defenders and respect the right to freedom of opinion and expression, including on social media and the Internet.[25]

32. The same group of special procedure mandate holders urged the United Arab Emirates to immediately release renowned human rights defender Ahmed Mansoor. They feared that his arrest and detention might have been reprisals for his engagement with the United Nations human rights mechanisms, the views he had expressed on social media, and his being an active member and supporter of human rights organizations. They stressed that the lack of an arrest warrant or any judicial oversight of his arrest and detention represented breaches of the fundamental principles of due process under international human rights law.[56] OHCHR stated that the arrest of Ahmed Mansoor was in contrast to the international human rights obligations of the United Arab Emirates and the Constitution.[57]

33. OHCHR was concerned about the detention of Osama al-Najjar after a three-year prison sentence for charges related to his peaceful activities on Twitter; the sentencing of prominent academic Nasser bin-Ghaith to 10 years in prison for charges that included speech-related offences; and the sentencing of journalist Tayseer al-Najjar to three years in prison for his online criticism in 2016.[58]

34. UNESCO noted that there was no law guaranteeing freedom of information as a basic right. It encouraged the United Arab Emirates to introduce a law on freedom of information[59] and strengthen the independence of broadcast licensing,[60] in accordance with international standards.

4. Prohibition of all forms of slavery[61]

35. OHCHR and the Committee on the Elimination of Discrimination against Women noted the efforts made to combat trafficking, such as the adoption of Federal Law No. 1 (2015), which provided protection to victims of trafficking, and the 2012 and 2015 amendments to Federal Law No. 51 (2006).[62]

36. The Committee on the Rights of the Child was concerned that children continued to be trafficked to the United Arab Emirates for the purpose of sexual exploitation or for forced begging. It was also concerned that such children were not properly identified and were often deported without proper identification, and that trafficking victims encountered challenges to registering the birth of their children, especially those born out of wedlock as a result of sexual abuse.[63]

5. Right to privacy and family life[64]

37. The Committee on the Elimination of Discrimination against Women noted with concern the reported persistence of unregistered child and/or forced marriages and the use by judges of derogations to the legal minimum age of marriage of 18 years, in some cases. It urged the United Arab Emirates to strictly enforce the legal minimum age of marriage of 18 years for both girls and boys,[65] and recommended that polygamy be discouraged and prohibited.[66]

C. Economic, social and cultural rights

38. The Committee on the Elimination of Racial Discrimination regretted the lack of demographic information on the ethnic composition of the population, including non-citizens, and the lack of data on the enjoyment of economic, social and cultural rights by ethnic groups.[67]

1. Right to work and to just and favourable conditions of work[68]

39. While noting that Federal Law No. 2 (2015) on combating discrimination and hatred contained some articles imposing penalties for discrimination in employment, the Committee on the Elimination of Racial Discrimination was concerned at reports of wage differentials among foreign employees from different geographical regions.[69]

40. The Committee on the Elimination of Discrimination against Women was concerned that it was still possible for a husband to prohibit his wife from working and to limit her freedom of movement, pursuant to articles 71 and 72 of the Personal Status Law. It urged the United Arab Emirates to repeal those articles without delay and to review any other provisions that impeded women's free choice of profession and employment.[70]

41. The Committee on the Rights of Persons with Disabilities recommended that the United Arab Emirates eliminate discriminatory practices on the basis of impairment and gender, and adopt the policies and measures necessary, including affirmative action, to significantly increase the employment rate of persons with disabilities.[71]

2. Right to health[72]

42. The Committee on the Elimination of Discrimination against Women was concerned about the limited information on education on sexual and reproductive health rights.[73] The Committee on the Rights of the Child recommended that the United Arab Emirates adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education was part of the mandatory school curriculum and targeted adolescent girls and boys.[74]

43. The Committee on the Elimination of Discrimination against Women was concerned about the criminalization of abortion except in very limited cases, which did not include incest, rape and a threat to the health of the pregnant woman, and that women who had reportedly been accused of illegal abortion following miscarriages were faced with criminal charges.[75] The Committee on the Rights of the Child raised similar concerns.[76]

3. Right to education[77]

44. The Committee on the Elimination of Discrimination against Women commended the United Arab Emirates for making education compulsory until the age of 18 years instead of 15 years, since 2012, but regretted that it had been unable to ascertain what measures were in place to increase the capacity of schools to accommodate pupils not previously covered by that regulation. It recommended that the United Arab Emirates increase capacity to accommodate the increased enrolment that would result from extending compulsory education to the age of 18 years, particularly to enable girls to continue their education at the secondary level.[78] UNESCO made similar observations.[79]

45. UNESCO recommended that the United Arab Emirates enshrine education as a right in the Constitution and all relevant legislation, and ensure that the right to non-discrimination applied to education, in accordance with international standards on the right to education and Sustainable Development Goal 4.[80]

46. The Committee on the Rights of the Child was concerned that access to free education was guaranteed only to children who were nationals. It recommended that the United Arab Emirates ensure that all children living on its territory enjoyed their right to free compulsory primary education.[81]

D. Rights of specific persons or groups

1. Women[82]

47. OHCHR stated that issues relating to women's rights under personal status laws, such as Federal Law No. 28 (2005), remained in need of development, as they continued to fall outside of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.[83]

48. The Committee on the Elimination of Discrimination against Women was concerned that the principle of equality of women and men had still not been enshrined in the Constitution and national legislation, and that discrimination against women had not yet been defined in accordance with the Convention on the Elimination of All Forms of Discrimination against Women and prohibited by law. It recommended that the United Arab Emirates incorporate, without further delay, the principle of equality of women and men into its Constitution, in accordance with its commitment made during the second cycle of the universal periodic review,[84] and prohibit and sanction all forms of discrimination against women, encompassing both direct and indirect discrimination in the public and private spheres. It urged the United Arab Emirates to repeal as a matter of priority all legal provisions that continued to discriminate against women, including those contained in the Penal Code and the Personal Status Law.[85]

49. The same Committee was particularly concerned about the de jure maintenance of male guardianship of women and girls, the impossibility for an Emirati woman to sign her own marriage contract, the continued practice of dowry, the obligation imposed on a woman to obey her husband, including sexually, the maintenance of polygamy and the limited grounds available to women to seek divorce, while men could unilaterally request a divorce for any reason.[86] The Committee on the Rights of Persons with Disabilities recommended that the United Arab Emirates abolish the system of male guardianship of women, including women with disabilities.[87]

50. The Committee on the Elimination of Discrimination against Women took note of the 2011 decree granting nationality to children born of Emirati women and foreign fathers upon reaching the age of majority. However, it remained concerned that Emirati women were still denied equality regarding nationality compared with the rights guaranteed to men.[88] The Committee reiterated its previous recommendation to grant Emirati women the same rights as Emirati men to acquire, change and retain their nationality and to pass it on to their children and foreign spouse.[89]

51. The same Committee was deeply concerned that a divorced woman lost custody of her daughters when they reached 13 years of age and of her sons when they reached 11 years of age, or even before those ages if she remarried.[90]

52. The Committee noted with serious concern that, in 2010, the Federal Supreme Court had issued a ruling upholding the right of men to chastise their wives and children and that, in 2013, the United Arab Emirates had not accepted the recommendation made during the second cycle of the universal periodic review to repeal article 53 of the Penal Code, which authorized that right.[91] The Committee was also concerned about the slow progress that had been achieved in enacting comprehensive legislation on violence against women.[92] The Committee on the Rights of the Child raised similar concerns.[93] The two Committees recommended that the United Arab Emirates immediately repeal article 53 of the Penal Code and all legislation that could be used to impose violence on women and girls.[94]

53. The Committee on the Elimination of Discrimination against Women was concerned about violence against women resulting from the criminalization of consensual sexual relations between adults outside of marriage, under article 356 of the Penal Code, and the use of that article to criminalize women in prostitution and women who were victims of trafficking, sexual exploitation and abuse. It was concerned that, in all those cases, women faced harsh sanctions, such as prison sentences, torture and the death penalty, and inhuman, cruel or degrading punishment in the form of stoning or flogging. It was also concerned that hundreds of women were reportedly serving sentences after being convicted of having sexual intercourse outside of marriage (*zina*).[95]

54. The same Committee was concerned that access to justice by women and girls, including effective legal remedies, was severely hampered by the reluctance to register complaints and the negative attitudes of law enforcement officials towards women denouncing acts of violence committed against them.[96]

55. The Committee was also concerned about the discriminatory treatment of women in courts, especially foreign women, the lack of interpretation services and legal aid and the disproportionately severe sentences imposed on foreign women in criminal court proceedings.[97]

56. The Special Rapporteur on independence of judges and lawyers recommended that gender-based bias, stereotypes and discrimination persisting in the justice system be addressed and eliminated urgently and that training on gender equality and women's rights, in particular on the Convention on the Elimination of All Forms of Discrimination against Women, be made compulsory for all judges, prosecutors and lawyers at both federal and local levels.[98]

57. The Committee on the Elimination of Discrimination against Women welcomed the fact that 30 per cent of leadership positions in the Government were held by women. However, it noted that women, nevertheless, remained underrepresented in the Federal National Council and in the judiciary and that, while they accounted for 71.6 per cent of university students, they represented only 15 per cent of faculty members.[99]

58. The Special Rapporteur on independence of judges and lawyers recommended that Federal Law No. 3 (1983) be amended urgently in order to allow women to become federal

judges and prosecutors. She also recommended that additional measures and clear policies to improve the representation of women in the judiciary be adopted at both the federal and local levels.[100]

59. The Committee on the Elimination of Discrimination against Women welcomed Cabinet Decision No. 319/15F/22 on the promotion of women's participation in the boards of directors of federal authorities, companies and institutions. However, it was concerned about the absence of a clear strategy to translate political will into reality, and recommended that the United Arab Emirates adopt and effectively implement temporary special measures.[101]

2. Children[102]

60. The Committee on the Rights of the Child was concerned that certain rights under the Constitution were guaranteed only to citizens and not to non-citizens residing in the Emirates and that bidoon children and children born out of wedlock continued to experience serious discrimination.[103]

61. The same Committee was concerned about the slow and lengthy nature of the process for adopting the children's rights bill.[104]

62. The same Committee was concerned about the situation of the children of human rights defenders convicted in the context of the "UAE 94" trial (trial of 94 human rights defenders), whose rights to education, identity documents, freedom of movement and maintenance of contact with their detained parents had reportedly been seriously undermined.[105]

63. The Committee was concerned that child victims rarely reported instances of sexual abuse or exploitation, as they ran the risk of being charged with committing a sexual crime and even sentenced to flogging pursuant to Federal Law No. 9 (1976). The Committee was also concerned that national legislation did not adequately protect children from pornography and prostitution.[106]

64. The Committee remained particularly concerned that corporal punishment of children was lawful in the home and as a sentence for having committed a crime.[107] It recommended that the United Arab Emirates adopt a comprehensive law that addressed all forms of violence, explicitly prohibited corporal punishment in all settings and included measures to raise awareness of positive, non-violent and participatory forms of child-rearing.[108]

65. While noting that the employment of children under the age of 15 years was prohibited, the Committee was concerned that the prohibition did not apply to certain sectors of the economy, such as agriculture.[109]

66. The Committee remained concerned that the new federal bill on juvenile justice contained derogatory language regarding children in conflict with the law. It urged the United Arab Emirates to ensure the provision of qualified and independent legal aid to children in conflict with the law at an early stage of and throughout any legal proceedings.[110]

67. The Committee recommended that the United Arab Emirates expeditiously adopt an amended bill on juvenile justice to raise the age of criminal responsibility (which was currently set at 7 years of age) to an internationally acceptable level, as previously recommended. It stated that all children in conflict with the law should be brought before juvenile justice courts and not religious courts.[111]

3. Persons with disabilities[112]

68. The Committee on the Rights of Persons with Disabilities was concerned that the definition of disability in national legislation was not in accordance with the criteria and principles set out in the Convention on the Rights of Persons with Disabilities. It recommended that the United Arab Emirates ensure that its legislation, policies and practices were in full compliance with the general principles and specific provisions of the Convention.[113]

69. The same Committee recommended that the United Arab Emirates explicitly define in national law that denial of reasonable accommodation and discrimination by association were forms of disability-based discrimination.[114]

70. The same Committee was concerned about the absence of specific binding legal and policy frameworks to ensure accessibility for persons with disabilities, on an equal basis with others, to all facilities and services open or provided to the public, including access to information, means of communications and transport.[115]

71. The same Committee was deeply concerned about legislative provisions that made it possible to restrict and even deny the legal capacity of persons with disabilities. It recommended that the United Arab Emirates repeal regimes of substituted decision-making and replace them with supported decision-making regimes that upheld the autonomy, will and preferences of persons with disabilities.[116]

72. The Committee was concerned about the lack of inclusive employment policies and the low employment rate of persons with disabilities despite a quota system, in particular women, whose participation in employment might, in practice, be conditional on the consent of a male guardian.[117]

73. The Committee recommended that the United Arab Emirates repeal legislation that violated the right of persons with disabilities to free and informed consent in relation to medical treatment, and enact legislation that explicitly recognized that right for persons with disabilities, including persons with intellectual and psychosocial disabilities.[118]

74. The Committee was concerned that Federal Law No. 10 (2008) on medical liability and other laws allowed guardians or legal representatives to consent to medical research or experiments on behalf of persons with disabilities. It recommended that the United Arab Emirates repeal such laws.[119]

4. Migrants, refugees and asylum seekers[120]

75. In 2015, the ILO Committee of Experts on the Application of Conventions and Recommendations urged the Government to make every effort to ensure that the amended law on the regulation of labour relations (Federal Law No. 8 (1980)) included a specific provision that defined and explicitly prohibited both direct and indirect discrimination on all the grounds set out in ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which covered all workers, both nationals and non-nationals, and all aspects of employment and occupation.[121]

76. The Committee on the Elimination of Racial Discrimination recommended that the United Arab Emirates take measures to prevent barriers in access to justice of foreign workers; ensure that foreign workers could submit complaints regarding abusive labour practices to independent and effective mechanisms; and consider creating a labour ombudsman to effectively monitor and resolve labour disputes.[122]

77. The same Committee was concerned that, despite the protective measures recently enacted, gaps in protection of foreign workers under the *kafalah* (sponsorship) system still existed. The Committee recommended that the United Arab Emirates end the *kafalah* system and regulate residency permits through the government ministries. It also recommended that policies and measures protecting foreign workers who were currently under the *kafalah* system be fully implemented and that any worker facing abuse or exploitation under the system be able to fully access appropriate remedies.[123]

78. The Committee was concerned that, without regular monitoring and enforcement of protective policies and measures, abusive working practices, such as the withholding of passports, false imprisonment, substandard working conditions, long working hours, non-payment of wages and overtime, unlawful deduction of wages, insufficient rest or break periods and overcrowded living conditions, would continue to persist against foreign workers.[124]

79. The Committee was concerned that foreign workers who returned to their home countries would not be entitled to pensions even after long periods of service. It recommended that the United Arab Emirates examine the feasibility of establishing a State-administered pension system for foreign workers, possibly financed by employers and employees, based on the length of service and other relevant criteria.[125]

80. OHCHR noted that the labour law reforms aimed at abolishing the *kafalah* system for migrant workers showed immense progress for workers' rights; however, domestic workers remained exempted from its benefits.[126]

81. In 2016, the ILO Committee of Experts urged the Government to take the necessary measures to ensure that migrant domestic workers were fully protected from abusive practices and conditions and expressed the firm hope that the bill regulating the working conditions of migrant domestic workers would be adopted in the near future. It also requested the Government to take measures to strengthen the capacity of migrant workers to enable them, in practice, to approach the competent authorities and seek redress in the event of a violation of their rights or abuses, without fear of retaliation.[127] The Committee on the Elimination of Racial Discrimination recommended that the United Arab Emirates ensure that the 2017 bill on the rights of domestic workers contained provisions offering protection from abuse and labour exploitation of domestic workers.[128]

82. The Committee on the Elimination of Discrimination against Women regretted that, under the new standard contract regulating employment relations between women migrant domestic workers and their employers, women domestic workers might still be required to work 16 hours a day, were not guaranteed a minimum wage, remained excluded from the application of the Labour Code and could still not change employers without running the risk of facing charges of "absconding". The Committee was concerned that the practice of confiscation of passports by employers remained widespread and prevented women from escaping abusive situations.[129]

83. A group of special procedure mandate holders highlighted that migrant women employed as domestic workers were easy targets for gender-based violence, including sexual violence, beatings, threats and psychological abuse, which was perpetrated with impunity.[130]

84. The Committee on the Rights of the Child regretted that the United Arab Emirates did not recognize the presence of refugees and asylum seekers on its territory and had still not adopted any legal and policy framework in that respect. It was particularly concerned about the situation of refugee children who lacked access to all basic services. It recommended that the United Arab Emirates adopt the necessary legal framework, as well as all the necessary measures, in accordance with the Sharjah Principles,[131] with a view to ensuring that asylum-seeking and refugee children fully enjoyed their rights.[132]

5. Stateless persons[133]

85. The Committee on the Elimination of Discrimination against Women remained concerned that the denial of equality to Emirati women regarding passing on their nationality to their children could lead to the children's statelessness.[134] The Committee on the Rights of the Child raised similar concerns.[135]

86. The Committee on the Elimination of Racial Discrimination recommended that the United Arab Emirates take measures to consider applications for citizenship from bidoon (stateless persons) residing in the United Arab Emirates and provide them with documentation necessary to access health care, education, employment and State-provided services, without discrimination.[136] The Committee on the Elimination of Discrimination against Women was concerned about the absence of progress in addressing the situation of the thousands of bidoon women who remained deprived of their basic right to Emirati nationality and related rights.[137]

87. The Committee on the Rights of the Child remained seriously concerned about the situation of thousands of children, including bidoon children, non-Arab children and children of unknown parentage, who remained stateless and therefore had limited access to birth registration, health care and education.[138] It was also concerned that the criminalization of sexual relations outside of marriage prevented the registration of children born out of wedlock and could lead to their abandonment.[139]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for the United Arab Emirates will be available at www.ohchr.org/EN/Countries/MENARegion/Pages/AEIndex.aspx.
[2] For relevant recommendations, see A/HRC/23/13, paras. 128.1-128.16, 128.18-128.25, 128.32-128.35 and 128.120.
[3] See CEDAW/C/ARE/CO/2-3, para. 53; CERD/C/ARE/CO/18-21, paras. 26, 28 and 33; CRC/C/ARE/CO/2, paras. 73-74; A/HRC/29/26/Add.2, para. 90; and A/HRC/23/48/Add.1, para. 81 (a).
[4] UNESCO submission for the universal periodic review of the United Arab Emirates, p. 5, recommendation 1.
[5] See CEDAW/C/ARE/CO/2-3, paras. 9-10.
[6] For relevant recommendations, see A/HRC/23/13, paras. 128.41-128.50, 128.75-128.78, 128.151, 128.153, 128.164 and 128.173.
[7] See CEDAW/C/ARE/CO/2-3, paras. 17-18.
[8] See CEDAW/C/ARE/CO/203, para. 17 (c); CERD/C/ARE/CO/18-21, para. 8; CRC/C/ARE/CO/2, para. 19; and A/HRC/29/26/Add.2, para. 91. See also OHCHR submission to the universal periodic review of the United Arab Emirates, p. 1.
[9] See CEDAW/C/ARE/CO/2-3, paras. 17-18.
[10] See CRC/C/ARE/CO/2, paras. 12-13.
[11] See CEDAW/C/ARE/CO/2-3, para. 10; CERD/C/ARE/CO/18-21, para. 36; CRC/C/ARE/CO/2, para. 21; and CRPD/C/ARE/CO/1, para. 66.
[12] UNESCO submission, p. 6, recommendation 5.
[13] OHCHR, *OHCHR Report 2012*, pp. 151 and 171; *OHCHR Report 2013*, pp. 169 and 186; *OHCHR Report 2014*, pp. 101-102 and 120; *OHCHR Report 2015*, pp. 99-100 and 117; and *OHCHR Report 2016*, pp. 117, 119 and 136.
[14] For relevant recommendations, see A/HRC/23/13, paras. 128.70-128.72.
[15] See CERD/C/ARE/CO/18-21, para. 9.
[16] Ibid., para. 11.
[17] Ibid., paras. 12 (c)-(d).
[18] For the relevant recommendation, see A/HRC/23/13, para. 128.157.
[19] OHCHR submission, p. 2.
[20] Ibid.
[21] See CRC/C/ARE/CO/2, paras. 70-71.
[22] For relevant recommendations, see A/HRC/23/13, paras. 128.120-128.132.
[23] A/71/PV.65, pp. 25-26.
[24] See A/71/332, para. 25.
[25] See A/HRC/29/26/Add.2, para. 50.
[26] Ibid., para. 51.
[27] Ibid., para. 52.
[28] Ibid., para. 49.
[29] OHCHR submission, p. 2.
[30] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17043&LangID=E.
[31] See A/HRC/WGAD/2015/51, para. 63.
[32] For relevant recommendations, see A/HRC/23/13, paras. 128.51-128.53, 128.56, 128.59, 128.61, 128.90, 128.155-128.156 and 128.177.
[33] See A/HRC/29/26/Add.2, para. 33.
[34] Ibid., para. 35.
[35] Ibid., para. 96.
[36] Ibid., para. 72.
[37] Ibid., para. 123.
[38] Ibid., para. 130.
[39] Ibid., para. 28.
[40] Ibid., para. 92.
[41] Ibid., para. 63.
[42] Ibid., para. 48.
[43] Ibid., para. 57.
[44] Ibid., para. 58.
[45] Ibid., para. 61.
[46] Ibid., para. 56.
[47] Ibid., para. 60.

[45] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21462&LangID=E.
[46] See A/HRC/29/26/Add.2, para. 104.
[47] For relevant recommendations, see A/HRC/23/13, paras. 128.103-128.119.
[48] OHCHR submission, p. 2. See also A/HRC/23/13, para. 128.106 (United Kingdom of Great Britain and Northern Ireland), and A/HRC/23/13/Add.1, para. 5 (a).
[49] OHCHR submission, p. 2.
[50] See UNESCO submission, paras. 8 and 17.
[51] OHCHR submission, p. 2.
[52] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21449&LangID=E.
[53] Ibid.
[54] OHCHR submission, p. 2.
[55] Ibid.
[56] See UNESCO submission, paras. 7 and 18.
[57] Ibid., para. 19.
[58] For relevant recommendations, see A/HRC/23/13, paras. 128.137-128.143.
[59] OHCHR submission, pp. 1 and 3. See also CEDAW/C/ARE/CO/2-3, para. 31.
[60] See CRC/C/ARE/CO/2, paras. 68-69.
[61] For relevant recommendations, see A/HRC/23/13, paras. 128.74, 128.88 and 128.165.
[62] See CEDAW/C/ARE/CO/2-3, paras. 25-26.
[63] Ibid., para. 26.
[64] See CERD/C/ARE/CO/18-21, para. 5.
[65] For relevant recommendations, see A/HRC/23/13, paras. 128.51, 128.67-128.68, 128.79-128.80, 128.83 and 128.98.
[66] See CERD/C/ARE/CO/18-21, para. 17.
[67] See CEDAW/C/ARE/CO/2-3, paras. 39-40.
[68] See CRPD/C/ARE/CO/1, paras. 49-50.
[69] For relevant recommendations, see A/HRC/23/13, paras. 128.99 and 128.163.
[70] See CEDAW/C/ARE/CO/2-3, paras. 41-42.
[71] See CRC/C/ARE/CO/2, paras. 57-58.
[72] See CEDAW/C/ARE/CO/2-3, paras. 41-42.
[73] See CRC/C/ARE/CO/2, paras. 57-58.
[74] For relevant recommendations, see A/HRC/23/13, paras. 128.100 and 128.170.
[75] See CEDAW/C/ARE/CO/2-3, paras. 37-38.
[76] See UNESCO submission, para. 15.
[77] Ibid., p. 5, recommendation 2.
[78] See CRC/C/ARE/CO/2, paras. 60-61.
[79] For relevant recommendations, see A/HRC/23/13, paras. 128.79-128.80, 128.82, 128.85-128.87, 128.89-128.91, 128.93-128.98 and 128.101-128.102.
[80] OHCHR submission, p. 4.
[81] See A/HRC/23/13, para. 128.85 (Chile), and A/HRC/23/13/Add.1, para. 5 (a).
[82] See CEDAW/C/ARE/CO/2-3, paras. 13-14. See also CRC/C/ARE/CO/2, paras. 23-24, and CRPD/C/ARE/CO/1, paras. 13-14.
[83] See CEDAW/C/ARE/CO/2-3, paras. 45-46.
[84] See CRPD/C/ARE/CO/1, paras. 23-24.
[85] See CEDAW/C/ARE/CO/2-3, paras. 35-36. See also CERD/C/ARE/CO/18-21, paras. 29-30.
[86] See CEDAW/C/ARE/CO/2-3, paras. 35-36.
[87] Ibid., para. 47.
[88] See A/HRC/23/13, para. 128.92, and A/HRC/23/13/Add.1, para. 5 (c).
[89] See CEDAW/C/ARE/CO/2-3, para. 27.
[90] See CRC/C/ARE/CO/2, paras. 37-38.
[91] See CEDAW/C/ARE/CO/2-3, paras. 27-28, and CRC/C/ARE/CO/2, para. 38.
[92] See CEDAW/C/ARE/CO/2-3, paras. 29-30.
[93] Ibid., para. 15.
[94] Ibid., para. 15.
[95] See A/HRC/29/26/Add.2, para. 119.
[96] See CEDAW/C/ARE/CO/2-3, paras. 33-34.
[97] See A/HRC/29/26/Add.2, para. 120.
[98] See CEDAW/C/ARE/CO/2-3, paras. 21-22.
[99] For relevant recommendations, see A/HRC/23/13, paras. 128.127, 128.133 and 128.165-128.167.
[100] See CRC/C/ARE/CO/2, paras. 23-24.
[101] Ibid., para. 19.
[102] Ibid., para. 25.

[100] Ibid., para. 43.
[101] Ibid., para. 37 (d).
[102] Ibid., para. 38 (b).
[103] Ibid., para. 66.
[104] Ibid., para. 71 (b).
[105] Ibid., para. 71 (a).
[106] For relevant recommendations, see A/HRC/23/13, paras. 128.48, 128.155–128.156 and 128.177.
[107] See CRPD/C/ARE/CO/1, paras. 7-8.
[108] Ibid., paras. 11-12.
[109] Ibid., para. 19.
[110] Ibid., paras. 23-24.
[111] Ibid., para. 49.
[112] Ibid., para. 46 (a).
[113] Ibid., paras. 29-30.
[114] For relevant recommendations, see A/HRC/23/13, paras. 128.51-128.56, 128.58-128.62, 128.64, 128.66 and 128.69.
[115] See www.ilo.org/dyn/normlex/en/f?p=1000:11100:0::NO:11100:P11100_COMMENT_ID:3255365:YES.
[116] See CERD/C/ARE/CO/18-21, paras. 19 (a)-(c).
[117] Ibid., paras. 19-20.
[118] Ibid., para. 21.
[119] Ibid., paras. 23-24.
[120] ORCHR submission, p. 3.
[121] See www.ilo.org/dyn/normlex/en/f?p=1000:11100:0::NO:11100:P11100_COMMENT_ID:3292702:YES.
[122] See CERD/C/ARE/CO/18-21, paras. 25-26.
[123] See CEDAW/C/ARE/CO/2-3, paras. 41-42.
[124] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21463&LangID=E. See also CEDAW/C/ARE/CO/2-3, para. 43.
[125] See www.unhcr.org/protection/conferences/3d1b0f96/sharjah-principles.html.
[126] See CRC/C/ARE/CO/2, paras. 62-63.
[127] For the relevant recommendations, see A/HRC/23/13, para. 128.73.
[128] See CEDAW/C/ARE/CO/2-3, paras. 35-36.
[129] See CRC/C/ARE/CO/2, paras. 33 and 35-36.
[130] See CERD/C/ARE/CO/18-21, para. 28.
[131] See CEDAW/C/ARE/CO/2-3, paras. 35-36.
[132] See CRC/C/ARE/CO/2, para. 34.
[133] Ibid., para. 35.